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Sun Microsystems, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SUN MICROSYSTEMS, INC.,

Plaintiff-Counterclaim Defendant,

v.

NETWORK APPLIANCE, INC.,

Defendant-Counterclaim Plaintiff.

Case No. 3:07-CV-05488-EDL

**STIPULATION AND [PROPOSED] ORDER
TO MODIFY CLAIM CONSTRUCTION
SCHEDULE**

Whereas the Court has continued the claim construction hearing in this case from October 31, 2008 to November 10, 2008, the parties hereby stipulate as follows:

■ The parties' opening claim construction briefs shall be continued from Friday, September 12, 2008 to Tuesday, September 16, 2008.

■ The parties' responsive claim construction briefs shall be continued from Friday, September 26, 2008 to Tuesday, September 30, 2008.

■ The parties' reply claim construction briefs shall be continued from Friday, October 10,

2008 to Tuesday, October 14, 2008.

■ The tutorial in this case shall be continued from Wednesday, October 15, 2008 to Monday, October 20, 2008.

Pursuant to the Court's request, the parties have met and conferred regarding the logistics of the claim construction hearing. The parties propose that the claim construction hearing take place on two days: the claim construction hearing for the terms identified for construction for the Sun patents would be held on November 10, 2008, and the claim construction hearing for the terms identified for construction for the NetApp patents would be held on November 24, 2008.

Dated: September 5, 2008

DLA PIPER US LLP

By: /s/ Christine K. Corbett

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Dated: September 5, 2008

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[PROPOSED] ORDER

Having considered the parties' stipulation, the joint request for relief is **GRANTED**. The parties' opening claim construction briefs are due September 16, 2008. The parties' opposition claim construction briefs are due September 30, 2008. The parties' reply claim construction briefs are due October 14, 2008. The tutorial will be held October 20, 2008. The claim construction hearing for the terms identified for construction for the Sun patents will be held on November 10, 2008, and the claim construction hearing for the terms identified for construction for the NetApp patents will be held on November 24, 2008

IT IS SO ORDERED.

Dated: September __, 2008

UNITED STATES MAGISTRATE JUDGE
ELIZABETH D. LAPORTE